

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING MOTION
VENTURE COMMUNICATIONS COOPERATIVE)	TO WITHDRAW PETITION
FOR SUSPENSION OR MODIFICATION OF)	
LOCAL DIALING PARITY AND RECIPROCAL)	TC06-181
COMPENSATION OBLIGATIONS)	

On October 24, 2006, the Public Utilities Commission (Commission) received an Application from Venture Communications Cooperative (Venture) for suspension or modification of local dialing parity and reciprocal compensation obligations.

South Dakota Telecommunications Association (SDTA) filed to intervene on November 6, 2006. Rural Cellular Corporation (RCC) and Alltel Communications, Inc. (Alltel) filed to intervene on November 13, 2006. At a regularly scheduled meeting of November 14, 2006, the Commission granted intervention to SDTA. The Petitions to Intervene of RCC and Alltel were deferred. On November 17, 2006, the Commission received Venture's Responses to RCC and Alltel's Petitions to Intervene. On December 5, 2006, the Commission received Venture's Supplement to Petition for Suspension. At a regularly scheduled meeting of November 20, 2006, the Commission granted intervention to RCC and Alltel.

On January 12, 2007, the Commission received from Alltel a Request to Use Office of Hearing Examiners (OHE) pursuant to SDCL 1-26-18.3. On January 26, 2007, the Commission received from Venture and SDTA an Opposition to Request of Alltel Communications, Inc. to Use the Office of Hearing Examiners. On January 30, 2007, the Commission received Alltel's Reply to Opposition to Request of Alltel to Use the Office of Hearing Examiners. On January 31, 2007, the Commission received Alltel and RCC's Response and Motion to Dismiss the Venture Petition for Suspension or Modification. At its February 1, 2007, meeting, the Commission granted Alltel's request to use the OHE. The Commission found that SDCL 1-26-18.3, in conjunction with SDCL Chapter 1-26D, gives Alltel the right to use the OHE. The Commission transferred the docket to the OHE.

On August 29, 2007, the Commission received a Joint Motion for Transfer and to Set Hearing Date. In the Joint Motion, Venture, Alltel, RCC, SDTA, and Staff requested that the Commission transfer the docket from the OHE to the Commission. The parties further requested that the Commission set a hearing date for October 3 and 4, 2007. On September 7, 2007, Venture and SDTA filed a Motion to Strike and Motion in Limine. At its September 11, 2007, meeting, the Commission considered the Joint Motion for Transfer. At the request of Venture, the Commission deferred action. On September 14, 2007, Alltel filed a response opposing the Motion to Strike and Motion in Limine.

At a September 19, 2007, meeting, the Commission considered the Joint Motion for Transfer and to Set Hearing Date and the Motion to Strike and Motion in Limine. The Joint Motion for Transfer and to Set Hearing Date was supported by all of the parties. The Commission voted unanimously to grant the motion. The Commission then heard argument from the parties regarding the Motion to Strike and Motion in Limine.

As set forth in the Joint Motion for Transfer, all of the parties had agreed that "all prefiled testimony has been filed, with the possible exception of additional pre-filed testimony that may result from amendment of Alltel's response to Venture's Petition for Arbitration (Docket TC06-159), and responses by Venture thereto." In Alltel's Amended Response to Venture's Petition for Arbitration, Alltel agreed to support two direct points of interconnection on the Venture network. Alltel then filed additional prefiled testimony of Bob Keeger and Ron Williams in this docket. Venture and SDTA

objected to much of the additional testimony, arguing that most of the testimony was not the result of Alltel's Amended Response in the arbitration docket. Alltel and RCC claimed that the testimony was relevant and related to the Amended Response. Commission Staff recommended denying the Motion to Strike and Motion in Limine. The Commission voted unanimously to grant the Motion to Strike and the Motion in Limine.

The Commission finds that the parties had agreed that all prefiled testimony had already been filed with a limited exception for additional prefiled testimony if it was a result of Alltel's Amended Response. The Commission finds that much of Alltel's additional prefiled testimony was not related to the Amended Response in the arbitration docket. Specifically, for the prefiled testimony of Bob Keeger, the Commission strikes the written testimony starting at page 2, line 17, through page 10, line 3, and Exhibit RK1. For the prefiled testimony of Ron Williams, dated September 5, 2007, the Commission strikes Page 1, lines 19-24; all of pages 2 and 3; page 4, lines 1-5; page 4, line 22, beginning with "In addition..." through line 23; and all of pages 5 through 14, and Confidential Exhibit RW2.

The Commission also set the hearing date and date for Venture's response to Alltel's additional prefiled testimony. The Commission set the hearing for October 3 and 4, 2007, beginning at 8:00 A.M. on October 3. Venture shall file any responsive testimony on or before September 25, 2007. By order dated October 3, 2007, the hearing was cancelled. On October 7, 2007, the Commission received a Stipulation by SDTA to Abide by the Confidentially Agreement. On September 8, 2008, the Commission received an Agreement and Stipulation and Venture's Motion to Withdraw Petition.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically §§ 49-31- 80 and 49-31-81, and 47 U.S.C. sections 251 and 252. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on September 23, 2008, the Commission considered the Motion to Withdraw Petition. Commission Staff recommended granting the Motion to Withdraw Petition. The Commission voted unanimously to grant the Motion to Withdraw Petition. It is therefore

ORDERED, that the Motion to Withdraw Petition is hereby granted.

Dated at Pierre, South Dakota, this 3rd day of October, 2008.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.	
By:	<u> Arlaine Kalbo </u>
Date:	<u> 10/3/08 </u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

 Gary Hanson
GARY HANSON, Chairman

 Steve Kolbeck
STEVE KOLBECK, Commissioner

 Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner